

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

In re A.A. et al., Persons Coming Under the
Juvenile Court Law.

TULARE COUNTY HEALTH AND
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

V.P. et al.,

Defendants and Appellants.

F055097

(Super. Ct. Nos. JJV059910A
& JJV055910B)

**ORDER MODIFYING OPINION AND
DENYING PETITION FOR
REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on October 28, 2008, be modified as follows: On page 30, at the end of the first paragraph concluding with the citation to “(§§ 309, subd. (d)(1) & 361.3, subd. (a)(8).),” add the following new paragraph:

Here, there apparently was an issue over sufficient space in the former relative caregivers’ home. To the extent appellant mother contends the former relative caregivers’ home did not have to meet these standards, we disagree. The law exempting homes of extended family members of an Indian child from licensing requirements under the Community Care Facilities Act (Health & Saf. Code, § 1505, subd. (o)(1)) does not support appellants’ contention. In even non-ICWA dependencies, homes of relative

caregivers are exempt from such licensing requirements. (Health & Saf. Code, § 1505, subd. (l)(1).) Nevertheless, all of these homes must meet standards to assure a court of the appropriateness of the placement. (See § 361.4 [which refers to ICWA placements as well as non-ICWA placements].)

The petition for rehearing is denied. Except for the modification set forth, the opinion previously filed remains unchanged. The modification does not alter the judgment.

Wiseman, Acting P.J.

WE CONCUR:

Levy, J.

Dawson, J.